

REMARKS

In the Office Action mailed March 19, 2009, the Office noted that claims 20-38 were pending and rejected claims 20, 23, 28-33 and 36-38, all other claims allowed or objected to. Claims 36-38 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 20-38 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 21, 22, 25, 26, 34 and 35 are allowable. The Applicants acknowledge the allowance of the claims and thank the Office for its consideration in examining these claims.

The Office has indicated that claims 24 and 27 would be in a condition for allowance if re-written in independent form. The Applicants thank the Office for the consideration given the claims and submit that the claims are allowable for the reasons discussed below.

REJECTIONS under 35 U.S.C. § 101

Claims 36-38 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims are to a program *per se*.

The Applicants have amended the claims to overcome the rejection. Support for the amendment may be found, for example, in the claims as originally filed. The Applicants submit that no new matter is believed to have been added by the amendment.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 20, 23 and 28-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yokoi, U.S. Patent No. 5,732,062. The Applicants respectfully disagree and traverse the rejection with an argument.

On page 4 of the Office Action, it is asserted that Yokoi, cols. 12-13, Fig. 7, long mark 5T and short mark 3T disclose "signal generating unit makes a level of the recording pulse signal corresponds to a recording power ensuring reproduction compatibility in a mark period corresponding to a long mark and ***corresponds to a recording power having asymmetry within a predetermined range in a mark period corresponding to a short mark,*** thereby to generate the recording pulse signal," (emphasis added) as in claim 20.

Thus, because of such a feature it is possible that the short mark is recorded within the range in which no thermal interference occurs.

In contrast, Yokoi discusses that multi-pulse light includes head heating pulses, head cooling pulses, a following

plurality of rear heating pulses and rear cooling pulses, and the head heating pulse is divided into a front division and a rear division.

Further, Yokoi discusses that the light-emission power difference between the read division and the immediately following cooling pulse is larger than each of the other rear heating pulses and the respective immediately following cooling pulse. (See Yokoi, cols. 12-14 and cols. 19-22). Therefore, Yokoi teaches that it is possible to reduce jitter in the mark interval by using the above method.

However, Yokoi fails to disclose that the pulse generating unit makes a level of the recording pulse signal ***corresponds to a recording power having asymmetry within a predetermined range in a mark period corresponding to a short mark.***

Claim 33 recites similar features to claim 20. Therefore, for at least the reasons discussed above, Yokoi fails to anticipate claims 20 and 33 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 102. It is also submitted that claims 20-38 continue to be allowable. It is further

submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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